



Planning & Community Development

DEVIATION FROM ENGINEERING STANDARDS CRITERIA

20.30.290 Variance from the engineering standards (Type A action).

- A. Purpose. Variance from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.
- B. Decision Criteria. The Department Director or designee shall grant an engineering standards variance only if the applicant demonstrates all of the following:
 - 1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated.
 - 2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law.
 - 3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest;
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
 - 4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.
 - 5. Variance from drainage standards must meet the objectives for appearance and environmental protection.
 - 6. Variances from drainage standards must be shown to be justified and required for the use and situation intended.
 - 7. Variances from drainage standards for facilities that request use of an experimental water quality facility or flow control facilities must meet these additional criteria:
 - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
 - b. Construction of the facility can, in practice, be successfully carried out;
 - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
 - 8. A variance from utility standards shall only be granted if following facts and conditions exist:
 - a. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
 - b. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
 - c. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity. (Ord. 238 Ch. III § 7(a), 2000).

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The Development Code (Title 20) is located at mrsc.org